

102(e) as being anticipated by O'Neill. This rejection is respectfully traversed in part and overcome in part.

As now amended, independent claim 1 claims a play kit that comprises a pillow that in turn comprises a pillow body and at least two attachment mechanisms that are operably coupled to the pillow body. The pillow body is constructed of a filler material and includes a medial region and a pair of opposing arms that form a generally open well. Importantly, this open well is open to a surface onto which the pillow is adapted to rest to permit a user to lie directly on the surface when lying within the well. Further, at least one bar is configured to be attached to the pillow using the attachment mechanisms. The bar includes at least one coupling mechanism to permit a toy to be coupled to the bar and held above the pillow.

The infant accommodation apparatus of O'Neill is distinguishable from claim 1 in various aspects. For example, in the description of the preferred embodiments, O'Neill describes the use of an annular inflatable support device 4 rather than a pillow body that is constructed of a filler material. The support device 4 is inflatable to various positions so that an infant may lie diametrically across the device, to sit within the device or to be used as a cozy play environment for the infant. See column 4, line 46 through column 5, line 3. Further, the support device of O'Neill includes a padded base part 14 upon which the infant may lie, kneel or sit when in the accommodating region 7. See column 3, lines 63-65.

Hence, the O'Neill device differs from the play kit claimed in claim 1 in its manner of construction, its shape and in the use of a bottom pad. In contrast, as now amended, independent claim 1 claims that the pillow body is constructed of a filler material, has a medial region and two opposing arms, and has an open well that is open to a surface upon which the pillow is adapted to rest such that the user may lie directly on the surface when lying within the well. Therefore, for at least these reasons claim 1 as now amended and is distinguishable over the O'Neill patent. It is therefore respectfully requested that the §102 rejection of claims 1-3 and 6 in view of the O'Neill patent be withdrawn.

As now amended, independent claim 1 claims a play kit that comprise a pillow cover that is adapted to be placed around a pillow and at least one bar that may be positioned over the pillow cover. The pillow cover includes a medial region and two opposing arms that form a generally open well that is open to a surface upon which the pillow cover rests. Hence, as now amended, claim 9 includes limitations similar to those found in claim 1 and is distinguishable over the O'Neill patent. It is therefore respectfully requested that the §102 rejection of independent claim 9 and dependent claims 11, 12, 15 and 17 be withdrawn.

Independent claim 22 is a method claim that has been amended to recite the steps of placing a pillow onto a surface, with the pillow comprising a pillow body having a medial region and two opposing arms that define a generally open well that is open to the surface. At least one bar is attached to the pillow and a toy is coupled to the bar such that the toy is suspended above the pillow. Further, a child is placed onto the pillow, with the child's head resting on the medial region, with the child's torso resting directly onto the surface and with the child's feet extending beyond the arms.

Because the O'Neill patent fails to describe the placement of the child onto a pillow, with the child's torso resting directly on the surface, claim 22 is distinguishable. Further, nowhere in O'Neill is there any description of orienting the child such that the child's feet extend beyond the arms while the child's head rests on the medial region. Rather, as previously described, the O'Neill patent describes an annual support device where the infant may lie on top of the pillow or sit within the ring. Hence, claim 22 which has been amended to include such features as distinguishable for this additional reason. It is therefore respectfully requested that the §102 rejection of claim 22 be withdrawn.

Claims Rejections - 35 U.S.C. 103

Claims 4, 5, 10, 13, 14, 18-22 and 23 have been rejection under 35 U.S.C. §103(a) as being unpatentable over O'Neill in view of Matthews. In combining the O'Neill disclosure with that of Matthews, the Office Action recites that, "It would have

been obvious to employ the support taught by Matthews in order to allow a greater degree of movement.” Applicants respectfully disagree. As previously described, the support device 4 of O’Neill has a padded base part 14. If the Matthews device were substituted for the annular ring of O’Neill, it would still have a padded base part 14 which would prevent movement of the arms in the manner described in the Matthews patent. Hence, the O’Neill clearly teaches away from the features described in the Matthews patent. Hence, for at least these reasons, claims 4, 5, 10, 13, 14 and 18-21 are distinguishable.

Moreover, even assuming that Matthews may be combined with O’Neill (which combination is disputed), all of the limitations of these claims are still not met. For example, as previously described independent claim 1 recites that the well is open so that a user may lie directly onto the surface when lying within the well. If the annular inflatable support device 4 of O’Neill were replaced with the pillow in Matthews, a padded base part 14 would still be included to prevent direct contact with the surface. Since each independent claim has been amended to include such a limitation, dependent claims 4, 5, 10, 13 and 14 are distinguishable for this additional reason. Independent claim 18 claims a play kit has been amended to recite a similar limitation. Hence, independent claim 18 and dependent claims 19-21 are distinguishable for at least the same reasons. It is therefore respectfully requested that the §103 rejection of these claims be withdrawn.

Claims 7, 8 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over O’Neill in view of Williams. Claims 7 and 8 depend from claim 1 and claim 16 depends from claim 9. As previously described, these claims are distinguishable over the O’Neill patent. Since the Williams patent also fails to teach such limitations, claims 7, 8 and 16 are distinguishable for at least the reasons previously recited.

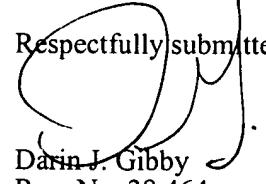
Applicant: Susan H. Matthews
Application No.: 09/679,139
Page 8

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (303) 571-4000
Fax: (303) 571-4321
DJG/cl
DE 7059655 v1

RECEIVED
MAR 04 2002
GROUP 3600

VERSION WITH MARKINGS TO SHOW CHANGES MADE

- 1 1. (Amended) A play kit comprising:
2 a pillow comprising a pillow body and at least [one] two attachment
3 [mechanism] mechanisms that [is] are operably coupled to the pillow, wherein the pillow
4 body comprises a filler material, and wherein the pillow body includes a medial region
5 and a pair of opposing arms that form a generally open well that is open to a surface onto
6 which the pillow is adapted to rest such that a user may lie directly on the surface when
7 lying within the well; and
8 at least one bar that is positionable over the pillow, with the attachment
9 [mechanism] mechanisms being configured to be attached to the bar, wherein the bar
10 includes at least one coupling mechanism to permit a toy to be coupled to the bar and
11 held above the pillow.
1 2. (Amended) A kit as in claim 1, wherein the bar has a pair of ends
2 [that are adapted to be placed onto a surface along with the pillow], and wherein the
3 bar is curved so that a middle section of the bar is disposed above the pillow.
1 3. (As filed) A kit as in claim 1, further comprising another bar, with
2 the two bars being coupled together so as to both be positioned over the pillow.
1 Please cancel claim 4.
1 5. (Amended) A kit as in claim [4] 1, wherein the pillow includes
2 four attachment mechanisms, with two of the attachment mechanisms located near ends
3 of the arms and the other two attachment mechanisms located near the medial region.
1 6. (As filed) A kit as in claim 1, further comprises at least one toy
2 coupled to the bar by the coupling mechanism.
1 7. (As filed) A kit as in claim 1, wherein the coupling mechanism
2 comprises a strip of material and a snapping device.
1 8. (As filed) A kit as in claim 1, wherein the pillow further comprises
2 a cover disposed about the pillow body, and wherein the attachment mechanism
3 comprises a loop of material that is coupled to the cover.

1 9. (Amended) A play kit comprising:
2 a pillow cover that is adapted to be placed about a pillow, wherein the
3 pillow cover includes at least one attachment mechanism, wherein the pillow cover
4 includes a medial region and a pair of opposing arms that form a generally open well that
5 is open to a surface onto which the pillow cover is adapted to rest after the pillow has
6 been inserted into the pillow cover such that a user may lie directly on the surface when
7 lying within the well; and

8 at least one bar that is positionable over the pillow cover, with the
9 attachment mechanism being configured to be coupled to the bar, wherein the bar
10 includes at least one coupling mechanism to permit a toy to be coupled to the bar and
11 held above the pillow cover.

1 10. (As filed) A kit as in claim 9, wherein the pillow cover includes a
2 zipper to permit the pillow cover to be fastened about the pillow.

1 11. (As filed) A kit as in claim 9, wherein the bar has a pair of ends
2 that are adapted to be placed onto a surface along with the pillow, and wherein the bar is
3 curved so that a middle section of the bar is disposed above the pillow cover.

1 12. (As filed) A kit as in claim 9, further comprising another bar, with
2 the two bars being coupled together so as to both be positioned over the pillow cover.

Please cancel claim 13.

1 14. (Amended) A kit as in claim [13] 9, wherein the pillow cover
2 includes four attachment mechanisms, with two of the attachment mechanism located
3 near ends of the arms and the other two attachment mechanisms located near the medial
4 region.

1 15. (As filed) A kit as in claim 9, further comprises at least one toy
2 coupled to the bar by the coupling mechanism.

1 16. (As filed) A kit as in claim 9, wherein the coupling mechanism
2 comprises a strip of material and a snapping device.

1 17. (As filed) A kit as in claim 9, wherein the attachment mechanism
2 comprises a loop of material that is attached to the cover.

1 18. (Amended) A play kit comprising:
2 a pillow comprising a pillow body that is constructed of a filler material
3 and having a medial region and a pair of opposing arms that define a generally open well,
4 wherein the pillow body comprises a filler material, and wherein the open well is open to
5 a surface onto which the pillow is adapted to rest such that a user may lie directly on the
6 surface when lying within the well; and
7 a suspension system that is configured to suspend at least one toy over the
8 pillow.

1 19. (As filed) A kit as in claim 18, wherein the suspension system
2 comprises an arrangement of bars and at least one coupling mechanism hanging from the
3 arrangement of bars.

1 20. (As filed) A kit as in claim 19, wherein the suspension system
2 further comprises a set of feet that are configured to rest on a surface.

1 21. (As filed) A kit as in claim 20, wherein the number of feet is four,
2 and wherein the pillow further includes four attachment mechanisms that are spaced apart
3 on the pillow body and are configured to be attached to the arrangement of bars near the
4 feet.

1 22. (Amended) A method for presenting at least one toy, the method
2 comprising:

3 placing a pillow onto a surface, wherein the pillow comprises a pillow
4 body having a medial region and two opposing arms that define a generally open well
5 that is open to the surface;

6 attaching at least one bar to the pillow and coupling a toy to the bar such
7 that the toy is suspended over the pillow; and

8 placing a child onto the pillow, with the child's head resting on the medial
9 region, with the child's torso resting directly onto the surface and with the child's feet
10 extending beyond the arms.

Please cancel claim 23.